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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,124	10/28/2003	Arnold Sheynman	33692.03.2989	6103
23418	7590	11/24/2008		
VEDDER PRICE P.C. 222 N. LASALLE STREET CHICAGO, IL 60601			EXAMINER TSE, YOUNG TOI	
			ART UNIT	PAPER NUMBER
			2611	
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			11/24/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/695,124	<b>Applicant(s)</b> SHEYNMAN ET AL.	
	<b>Examiner</b> YOUNG T. TSE	<b>Art Unit</b> 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-14 is/are allowed.
- 6) ☒ Claim(s) 1,2,8,9,15,16,18 and 19 is/are rejected.
- 7) ☒ Claim(s) 3-7,17 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statements filed on November 17, 2003 and October 27, 2007 had been considered by the examiner, however, the third non patent literature document "Hybrid Mobile Interactive Services Combining DVB-T and GPRS" filed on November 17, 2003 and the last non patent literature document "Supplementary European Search Report for EP Application 04785409.6" filed on October 27, 2007 did not include the publication dates, at least the publication year is required for each document.

### ***Allowable Subject Matter***

2. The indicated allowability of claims 1-3, 8-9, 15-16 and 18-19 is withdrawn in view of the newly discovered reference(s) to Rodriguez et al. and Noreen et al.. Rejections based on the newly cited reference(s) follow.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-2, 8-9, 15-16 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez et al. (U.S. Publication No. 2003/0005453, hereinafter "Rodriguez") in view of Noreen et al. (U.S. Publication No. 2002/0183059, hereinafter "Noreen").

Rodriguez discloses a media system, such as a digital broadband delivery system (DBDS) 10 or a cable television system (CTS), which is generally a high quality, reliable and integrated network system that is preferably capable of delivering video, audio, voice and data services to client devices, such as digital home communication terminal devices (DHCTs) 16 shown in Figures 1 and 2. Paragraphs [0005], [0006] and [0041].

Figure 3 shows a block diagram of the example headend 11 of the DBDS 10 of Figure 1.

Figure 4 shows a block diagram of the example DHCT 16 of the DBDS 10 of Figure 1.

Regarding claim 1, the headend 11 and/or the DHCT 16 of the media system, the DBDS system 10 or the CTS system comprises, for example, a QPSK modem 326 for receiving a digital broadcast content, a digital network control system (DNCS) 323, a content manager 321, a purchasable recordable media (PRM) application server 319, and an MPEG-2 video-on-demand (VOD) content server 322 for recording selected digital broadcast content from the received digital broadcast content and editing the selected digital broadcast content to produce edited digital broadcast content, based on digital rights management data. Paragraphs [0047], [0049], [0050], [0052], [0053], [0055], [0056], [0060], [0061], and [0079].

Regarding claim 15, the headend 11 and/or the DHCT 16 of the media system, the DBDS system 10 or the CTS system comprises, for example, the QPSK modem 326 operative to receive digital broadcast content over a broadcast channel; one of the QAM modulator groups 324 and/or the data QAM modulator 330 operative to transmit information; the DNCS control system 323, the content manager 321, the PRM application server 319, and the MPEG-2 VOD content server 322 correspond to a controller, a copyright processor, a broadcast content editor, and a memory, operatively coupled to the QPSK modem 326 and to one of the QAM modulator groups 324 and/or the data QAM modulator 330 to receive the digital broadcast content and edit selected digital broadcast content to produce edited digital broadcast content based on digital rights management data. Also see paragraphs [0047], [0049], [0050], [0052], [0053], [0055], [0056], [0060], [0061], and [0079].

Regarding claim 19, the headend 11 and/or the DHCT 16 of the media system, the DBDS system 10 or the CTS system comprises, for example, a transmitter circuit of the DHCT 16 for sending at least one of digital broadcast content capture commands and editing commands through a network 18; the QPSK modem 326 for receiving the at least one of digital broadcast content capture commands and editing commands sent; and capturing or editing, for example, by a network element, such as the DNCS control system 323, the content manager 321, the PRM application server 319, and the MPEG-2 VOD content server 322, received digital broadcast content based on the received content capture commands or editing commands. Paragraphs [0049], [0055], [0056], [0060], [0061], and [0079].

Although Rodriguez teaches that the media system, the DBDS system 10 or the CTS system can be implemented in a satellite system, but fails to show, teach or suggest that the media system can be used in mobile terminal as recited in claims 1, 15 and 19. Paragraph [0043], lines 41-48.

Noreen is also related to a media system, such as an interactive media system 100 shown in Figure 1 and teaches that “the interactive media system 100 is provided to subscribers of the system via subscriber access devices and interactive radio mobile units are mounted within vehicles 104 or at other locations.” Further, Noreen also teaches that “in some embodiments, each mobile unit includes a receiver 116 for receiving radio broadcasts, a GPS system 118 for determining the location of the vehicle 104, and a wireless transmitter 120 for transmitting interactive radio control signals to a network operation center 110” as shown in Figure 2. Abstract.

Therefore, it would have been obvious to one of ordinary skill in the art to mount Rodriguez's media system, such as the DBDS system 10 or the CTS system in a radio mobile unit within a vehicle as taught by Noreen in order to transmit/receive edited broadcast content to/from, for example, satellite systems or base stations.

Regarding claims 2, 9 and 16, Rodriguez teaches that the DBDS system 10 can be a plurality of DBDS systems tie together a plurality of regional networks into an integrated global network so that DHCT users can receive media content provide from anywhere in the world. Paragraph [0041].

Regarding claims 8 and 18, wherein editing the selected digital broadcast content includes evaluating device editing rights stored to determine whether an editing operation to the selected digital broadcast content is allowed. Paragraph [0043], lines 1-7; paragraph [0049], lines 9-28; paragraph [0055]; and paragraph [0063], lines 1-5.

### ***Allowable Subject Matter***

6. Claims 10-14 are allowed.
7. Claims 3-7, 17 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOUNG T. TSE whose telephone number is 571- 272-3051. The examiner can normally be reached on Monday-Friday 10:00-6:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad H. Ghayour can be reached on 571- 272-3021. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/YOUNG T. TSE/  
Primary Examiner, Art Unit 2611